

FILED  
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF GEORGIA**

**SAVANNAH DIVISION**



QUITMAN CLARK III,

Petitioner,

v.

Case No. CV405-144

DARRELL HART, WARDEN, and  
THURBERT E. BAKER, ATTORNEY  
GENERAL,

Respondents.

**REPORT AND RECOMMENDATION**

Respondent Thurbert E. Baker has filed a motion to dismiss, stating that he is an improper party to this suit. Doc. 10. Petitioner has not responded to this motion.

Petitioner, an inmate at Lowndes State Prison in Valdosta, Georgia, is seeking habeas corpus relief under 28 U.S.C. § 2254. Respondent Thurbert E. Baker is the current Attorney General for the state of Georgia. The Court recommends that the motion to dismiss respondent Thurbert Baker as an improper party (doc. 10) be GRANTED. Mr. Baker is not petitioner's "custodian," and is therefore not a proper respondent in this

action. See 28 U.S.C. §§ 2242, 2243; Rule 2(a) of the Rules Governing §  
2254 Cases.

**SO REPORTED AND RECOMMENDED this 29<sup>th</sup> day of  
March, 2006.**

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA